



KCC-15,814

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey David SHELLEY
Kurtis L. BROWN

Group No. 1771

Serial No.: 10/010,620

Examiner: E. Cole

Filing Date: 06 December 2001

Title: MULTI-LAYER APPROACH TO
PRODUCING HOMOFILAMENT
CRIMP SPUNBOND

Customer No. 35844

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants herewith submit Form PTO/SB/26, responsive to the Examiner's requirement of 26 September 2005.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on

04 OCT 2005

04 OCT 05

Date

Roland A. Morris

Signature

Examiner Cole telephoned the Applicants' undersigned attorney on 26 September 2005 and stated she would impose a Double Patenting obviousness type rejection in the present case in view of U.S. Patent no. 6,632,386, and she would require a Terminal Disclaimer to be submitted before allowing the method claims 7-11, 13, and 15-20. Applicants' attorney thanks the Examiner for the courtesy shown him during their conversation.

A Terminal Disclaimer form and a check for the \$110.00 fee are enclosed herewith.

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Roland W. Norris".

Roland W. Norris
Reg. No. 32,799

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PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

KCC-15,814In re Application of: **Jeffrey D. SHELLEY et al.**Application No.: **10/010,620**Filed: **06 December 2001**For: **MULTI-LAYER APPROACH TO PRODUCING HOMO FILAMENT CRIMP SPUNBOND**

The owner, **Kimberly-Clark Worldwide, Inc.**, of **100%** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent No. 6,632,386** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **32,799**

Roland W. Norris
Signature

04 OCT 05
Date

Roland W. Norris

Typed or printed name

847-490-1400

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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